DOCUMENT RESUME

ED 249 624 EA 017 189

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TITLE School Board Members' Opinions and Awareness of Legal Parameters concerning School Prayer.
PUB DATE 3 Oct 84
NOTE 11p.
PUB TYPE Reports - Research/Technical (143)

EDRS PRICE MF01/PC01 Plus Postage.
DESCRIPTORS *Boards of Education; *Constitutional Law; Court Litigation; Elementary Secondary Education; *Opinions; *School Law; School Surveys; State Church Separation
IDENTIFIERS *School Prayer; United States (Southeast)

ABSTRACT

A survey of school board presidents investigated their knowledge of laws concerning school prayer and their attitudes toward school prayer. One hundred and eighteen of the 282 board presidents in 2 southeastern states completed a mail survey containg 5 items designed to measure legal awareness and 5 designed to examine attitudes. Data were analyzed by sex, by whether the respondent was elected or appointed, by type of school district, and by political and religious affiliations; inferences were drawn through analysis of variance and multiple linear regression analysis. In general, school board presidents were unaware of legal constraints; most strongly favored school prayer. Female respondents, however, were more aware of the law but less favorable toward school prayer than males. County school board presidents were less aware than those of consolidated and municipal districts. Respondents who favored school prayer were relatively unaware of legal requirements. These findings suggest that school boards need more inservice training on school law to help them fulfill their legal responsibilities and avoid costly litigation. (MCG)

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SCHOOL BOARD MEMBERS' OPINIONS AND AWARENESS OF LEGAL PARAMETERS CONCERNING SCHOOL PRAYER

by

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School Board Members' Opinions and Awareness of Legal Parameters Concerning School Prayer

With the specific powers to govern the local school district, the school board also has certain obligations and responsibilities, one of which is to abide by court decisions (Campbell et al., 1975). Some landmark decisions deal with school prayer.

In 1962 the Supreme Court held that it was unconstitutional for a state to require public school children to recite an officially prescribed prayer at the beginning of the school day (Engel v. Vitale, 370 U.S. 421, 1962). A year later the Court struck down a state law requiring recitation of the Lord's Prayer by students at the opening of the school day (Murray v. Curlett, 374 U.S. 203, 1963). Because prayer is an act of worship, the Court said, it cannot be a regular part of opening exercises or other aspect of the regular school day--even if voluntary rather than compulsory.

The first amendment to the Constitution requires that there be no law respecting the establishment of religion or prohibiting the free exercise thereof, mandating a neutral position that neither encourages nor discourages prayer. However, it was determined by the Supreme Court that prescribed and/or directed prayer violates the establishment clause of the first amendment, directing a particular format for religious exercise in violation of the free exercise clause and interfering with parents' rights to supervise the religious training of their children. How does one choose which doctrine public education officials shall compel the students to be exposed to?

While much of the public agreed with the Court's opinion, remembering that the practice of establishing governmentally composed prayers for religious services was one of the factors influencing many of the early colonists to leave England and seek religious freedom in America, others were not in agreement. Objectors argued that the

framers of our Constitution meant we were to have freedom of religion, not freedom from religion; the separation of church and state simply means there will be no state church, thus protecting religion from government tyranny.

Welch, Medeiros, and Tate (1981) point out that although no agency of the government can tell children when, where, how, why, or to whom to pray—that "no law precludes private prayer in the schools. What is forbidden is public, group prayer. Any student can pray in school. . . .The same holds true for teachers. . . .The Supreme Court decisions have not forbidden teachers or students from praying in school. . . ." p. 204).

Lines (1981) agrees with this point when she writes:

> A student may also wish to say grace at lunch time, or to engage in some similarly simple and inoffensive practice of religion at a time when it does not disrupt the school program. To forbid students to do this clearly would be hostile to religion and a violation of the free exercise clause (p. 12).

In addition, three federal judges in a unanimous decision upheld the constitutionality of a Massachusetts state law requiring a minute of silent meditation or prayer at the commencement of each day in the public schools (Flygare, 1976). Today, in several states, laws that provide for periods of private meditation in public schools remain unchallenged (Gottesman, 1982; LaMorte & Dorminy, 1974). President Reagan is quoted as saying, "No one will ever convince me that a moment of voluntary prayer will harm a child or threaten a school or state." ("School Prayer Amendment," 1982, p. 13). The President has proposed a constitutional amendment that he says will restore the right to pray. Senator Jesse Helms has introduced a bill that under Article III, section 2 of the Constitution would remove the jurisdiction of the Federal Courts from appeals from state and local courts on matters involving voluntary school prayer ("Controversy Over School Prayer," 1980).

It was the purpose of this study to determine to what degree school board

presidents/chairpersons are aware of the legal parameters concerning school prayer and to what degree they are in favor of school prayer.

Subjects

The population for this study consisted of the 282 school board presidents in a two state area of the southeastern region of the United States. Names and addresses were obtained from official rosters published during the 1982-1983 school year. Each subject was mailed a data collection instrument, and 118 subjects (42%) participated in the study by completing and returning the surveys.

Demographic data revealed a profile of the participants in this study. The school board president was most likely to be male (89%) with an elective position (59%) in a county school district (47%). He/she had an average of nine years of service on a school board, was most likely to claim democrat as political affiliaton (50%) and protestant as religious affiliation (92%).

Instrument

A two part data collection instrument was developed by the researchers. It consisted of five items to measure the level of awareness of legal parameters of school prayer (Awareness variable) and five items to measure the degree to which the school board presidents were in favor of school prayer (Pro-Prayer variable). Subjects were asked to indicate whether they agreed, disagreed, or were undecided concerning each item.

Results

Though one might expect school board presidents--as leaders of the community and decision makers in public education--to be highly cognizant of legal issues that concerned their jurisdiction, this was not found to be true in the case of

school prayer. Only 11% of the school board presidents correctly responded to all five survey items that measured their awareness of the legal parameters of school prayer (Awareness variable).

Of the 118 responses, only 31% correctly disagreed with the statement that "As long as there is no school board policy requiring it, school personnel may lead public school pupils in the saying of oral prayers." And only 37% correctly disagreed with the statement that "It is permissable for school personnel to lead public school pupils in reciting the Lord's prayer as part of school exercises." For the statement "The U.S. Supreme Court has prohibited state-drafted and/or state-sponsored prayers in public school," 55% correctly agreed.

On the items that related to the types of prayer that are permissable in school, the subjects' awareness increased. Of the 118 responses, 87% correctly agreed with the statement that "Silent prayer or meditation is permissable for public school pupils during the school day." And 96% of the school board presidents correctly agreed with the statement that "Public school pupils may individually say grace at lunch time or engage in some similarly simple and inoffensive practice of religion at a time when it does not disrupt the school program."

On the five questionnaire items that measured the degree to which school board presidents were in favor of school prayer (Pro-Prayer variable), the responses were strongly positive. For the item "I am in favor of the President's proposed constitutional amendment that reads: 'Nothing in this Constitution shall be construed to prohibit individual or group prayer in public schools or other public institutions. No person shall be required by the United States or by any State to participate in prayer'" ("School Prayer Amendment," 1982), 38% of the school board presidents were in agreement. Also, 83% were in agreement with the Helms proposed bill that "The Federal Courts should not have jurisdiction to any judgement, decree, or order denying or restricting as unconstitutional, voluntary prayer in any public school" ("Controversy

Over School Prayer," 1980).

Response was also very strong against the omission of school prayer; 80% of the subjects disagree with the statement that "Excluding prayer in public schools will help to protect America's religious freedoom," and 80% disagreed with the statement that "Excluding prayer in public schools will aid American democracy by strengthening the principle of the separation of church and state." (See also Frady, 1966, for similar findings with principals.)

Only one item measuring favorable opinions of school prayer (Pro-Prayer variable) failed to obtain a majority. Only 49% of the responses were in agreement with the statement that "I am in favor of a state law that requires that a minute of every school day be set aside for silent prayer or meditation for public school personnel and pupils."

Some interesting trends were determined when the data were analyzed by the following subpopulations: Sex (female, male); Position (appointed, elected); School District (consolidated, county, municipal); Political Affiliation (democrat, republican, independent, not indicated); and Religious Affiliation (Catholic, protestant--no other religions were indicated by respondents).

Responses for both the Pro-Prayer variable and the Awareness variable were scored with a possible low score of 5 and a possible high score of 15, making the midpoint 10. Within the five subpopulations (Sex, Position, School District, Political Affiliation, and Religious Affiliation) extreme scores existed in only two of them: School District and Sex. The group having the highest Pro-Prayer score ($M = 13.7$) was school board presidents serving in county school districts. Using analysis of variance, county school board presidents were found to be significantly more in favor of school prayer than their courntерparts in municipal or consolidated school districts, $F(2, 113) = 3.41$, $p < .04$. The group obtaining the lowest Pro-Prayer score ($M = 11.6$) was female school board presidents. Females were significantly less in favor of school prayer than

males, $F(1, 116) = 5.43$, $p < .03$. (See Table 1.)

Interestingly, the high and low scores for the Awareness variable were exactly reversed! Of the 13 groups analyzed in this study, the group having the highest Awareness score (M = 13.7) was female school board presidents; they were significantly more aware of the legal parameters of school prayer than males, $F(1, 116) = 20.14$, $p < .01$. The group having the lowest Awareness score (M = 10.6) was school board presidents serving in county school districts. They were significantly less aware of the legal parameters of school prayer than their counterparts in municipal or consolidated school districts, $F(2, 113) = 9.89$, $p < .01$. (See Table 2.)

There is a negative correlation between the variables of Awareness and Pro-Prayer, $r = -.49$. This inverse relationship indicates that as the score on the Pro-Prayer variable increases, the score on the Awareness variable has a tendency to decrease. Using multiple linear regression analysis, the Pro-Prayer variable was found to be a significant predictor of the Awareness variable $F(1, 107) = 22.15$, $p < .01$. In other words, the subjects' score indicating the degree of favor toward school prayer was a significant predictor of the subjects' awareness of the legal parameters of school prayer, with individuals who were less in favor of school prayer scoring higher on the Awareness variable.

Sex was also a significant contributor to the variance of the Awareness variable, $F(1, 107) = 14.10$, $p < .01$. Whether the subject was female was a significant predictor of the probability the subject would score above the mean on the Awareness variable.

Conclusions

The following conclusions were made by the researchers based on the statistical analysis of the data collected.

1. The school board presidents surveyed in this study were not highly

cognizant of the legal parameters of school prayer as established by the U.S. Supreme Court rulings of Murray v. Curlett and Engel v. Vitale. This finding concurs with that of Dolbeare and Hammond (1970) who concluded that school officials at the state and local levels held misperceptions of Supreme Court rulings, and that of Menacker and Pascarella (1983) who concluded there was an ineffective and haphazard communication network for transmitting important Supreme Court decisions to the teachers and administrators.

2. The school board presidents were strongly in favor of school prayer, particularly as provided for by President Reagan's proposed constitutional amendment and Senator Jesse Helms's proposed bill to limit the jurisdiction of the Federal Courts.

3. Though only 11% of the respondents were female, there is evidence which indicates that the female school board members were more aware of the legal parameters of school prayer than their male counterparts, though females are less favorable of school prayer.

4. School board presidents in the county school districts were less aware of the legal parameters of school prayer than their counterparts in consolidated and municipal school districts.

5. School board presidents with more positive opinions toward school prayer are less aware of the legal parameters of school prayer, possibly indicating that they believe to be legal that which corresponds with their opinions and beliefs.

6. There is a need for inservice training on school law for school board members in order to develop a clearer understanding of Supreme Court dictates.

Certainly, a great responsibility is placed on our school boards, first to be informed concerning the legal parameters of school prayer as well as other legal issues within their jurisdiction, and second, to weigh all considerations before making decisions involving the balance between religion and government in order to avoid costly and time consuming litigation.

Table 1

Pro-Prayer Variable Scores

Group	Mean	S.D.	N
Total Subjects	13.0	2.4	118
School District			
County	13.7	1.8	55
Municipal	12.5	2.8	55
Consolidated	12.8	1.7	6
Not Indicated	....	....	2
Sex			
Males	13.2	2.2	105
Females	11.6	3.1	13

Table 2

Awareness Variable Scores

Group	Mean	S.D.	N
Total Subjects	11.5	2.0	118
School District			
County	10.6	1.9	55
Municipal	12.2	1.9	55
Consolidated	12.0	2.1	6
Not Indicated	....	...	2
Sex			
Males	11.2	1.9	105
Females	13.7	1.7	13

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